

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 561 Compliance Requirements

Chapter 14 Emergency Planning and Community Right-to-Know

561 FW 14

14.1 What is the purpose of this chapter? This chapter provides guidance for Emergency Planning and Community Right-To-Know Act (EPCRA) requirements at Service facilities. EPCRA requires disclosure of chemical information to State Emergency Response Commissions, Local Emergency Planning Committees, local fire departments and communities, and, in some instances, the Environmental Protection Agency (EPA).

14.2 What are the authorities for this chapter?

A. Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) (also known as Superfund Amendments and Reauthorization Act of 1986, Title III).

B. Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.).

C. Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management.

D. Occupational Safety and Health Administration (OSHA) Regulation on Hazard Communication (29 CFR 1910.1200).

E. EPA Regulation on Designation, Reportable Quantities, and Notification (40 CFR 302).

F. EPA Regulation on Emergency Planning and Notification (40 CFR 355).

G. EPA Regulation on Hazardous Chemical Reporting: Community Right-to-Know (40 CFR 370).

14.3 What terms do you need to know to understand this chapter?

A. Extremely Hazardous Substance is a substance listed in Appendices A and B to 40 CFR 355.

B. Hazardous Chemical is any chemical that is a physical or health hazard.

C. Hazardous Substance is any substance listed in Table 302.4 of 40 CFR 302.

D. Local Emergency Planning Committee is a group of local citizens that the State Emergency Response Commission appoints to develop emergency plans for the community.

E. Material Safety Data Sheet is the information sheet that OSHA requires chemical manufacturers to develop for each hazardous chemical they make (29 CFR 1910.1200). Among other things, all Material Safety Data Sheets include:

(1) Health hazards of the chemical,

(2) Permissible exposure limits,

(3) Whether the chemical is a potential carcinogen, and

(4) Control measures people handling the chemical should take (e.g., work practices and necessary personal protective equipment).

F. Reportable Quantity is the quantity of any hazardous substance that, when released into the environment, must be reported (see section 14.5B for reporting requirements). The Reportable Quantities are in 40 CFR 302, Table 302.4.

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G. Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including abandoning or discarding barrels, containers, and other closed receptacles) of any hazardous substance. See 561 FW 3 for more information about spills and the requirements of the Safe Drinking Water Act.

H. Threshold Planning Quantities for extremely hazardous substances are the amounts that trigger compliance with requirements for developing emergency plans (the threshold amounts are in 40 CFR 355, Appendices A and B).

I. Tier II Report is an annual inventory of toxic chemicals that facilities must prepare if they store more than threshold quantities of these chemicals. Facilities send the report to the State Emergency Response Committee, Local Emergency Planning Committee, and local fire department by March 1 of each year.

J. Toxic Chemical is a chemical or chemical category listed in 40 CFR Section 372.65.

14.4 Who is responsible for administering the program? Table 14-1 describes the responsibilities for this program.

Table 14-1: Responsibilities	
These employees...	Are responsible for...
A. The Director	Approving policy for our emergency planning and community right-to-know program.
B. The Assistant Director – Business Management and Operations	The overall administration of the program.
C. Regional Directors and the Director, National Conservation Training Center	Ensuring compliance with EPCRA requirements.
D. The Chief, Division of Engineering	Implementing the requirements of this chapter.
E. The Chief, Environmental Compliance Branch	Providing Servicewide technical guidance and assistance to the Regions.
F. Regional Environmental Compliance Coordinators (RECCs)	Providing technical assistance to field stations to ensure EPCRA compliance.
G. Project Leaders/Facility Managers	<p>(1) Coordinating with Local Emergency Planning Committees (usually the local fire department).</p> <p>(2) Designating a representative who will participate in the local emergency planning process as the emergency response coordinator for the facility.</p> <p>(3) Performing inventories of chemicals and establishing a list of onsite extremely hazardous substances.</p> <p>(4) Ensuring that their facility complies with EPCRA regulations.</p>

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Table 14-1: Responsibilities	
These employees...	Are responsible for...
	(5) Informing employees about EPCRA requirements.

14.5 What are the reporting requirements?

A. Emergency Planning.

(1) Facilities that produce, use, or store extremely hazardous substances in quantities equal to or above the threshold planning quantities (e.g., greater than 100 pounds of chlorine) must:

(a) Notify the State Emergency Response Commission and the Local Emergency Planning Committee about the extremely hazardous substances,

(b) Give the Local Emergency Planning Committee any information it needs for the local emergency response plan, and

(c) Tell the Local Emergency Planning Committee any time something changes that may be relevant to emergency planning.

(2) You can obtain a list of contacts for State Emergency Response Commissions from the Chief, Environmental Compliance Branch, or the EPA.

(3) Facilities must establish a list of onsite extremely hazardous substances and appoint an emergency response coordinator.

B. Emergency Notification.

(1) After an accidental release of an extremely hazardous substance or a hazardous substance that is equal to or above the Reportable Quantity established for that substance, a facility must immediately notify:

(a) Affected State Emergency Response Commissions and Local Emergency Planning Committees, and

(b) The National Response Center (see 561 FW 10 for more information).

(2) Provide written follow-up notices as soon as practicable to the State Emergency Response Commission(s) and Local Emergency Planning Committee(s) describing the actions the facility took, and, if applicable, any medical effects on citizens exposed because of the release.

C. Community Right-to-Know or Hazardous Chemical Reporting. Facilities storing toxic chemicals above threshold quantities must:

(1) Send a copy of the Material Safety Data Sheets or a list of those chemicals to the State Emergency Response Commission, Local Emergency Planning Committee, and local fire department. The facility only needs to re-send Material Safety Data Sheets if information changes.

(2) Annually, by March 1, send a Tier II Chemical Inventory Report (Emergency and Hazardous Chemical Inventory form) to the State Emergency Response Commission, Local Emergency Planning Committee, and local fire department.

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(a) Most States accept Tier II reports online. Facilities can obtain information about Tier II procedures for their State on the State's Web site or from the RECC.

(b) EPA maintains a [Web site](#) with the Tier II form, instructions, and links to State Web sites.

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